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Attorneys for Complainant

7
8 **BEFORE THE**
PHYSICIAN ASSISTANT BOARD
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against,

Case No. 950-2016-001059

11 **KEVIN F. KUSCH, P.A.**
12 5239 Fm 1649
13 Gilmer, TX 75645

DEFAULT DECISION
AND ORDER

14 PHYSICIAN ASSISTANT
LICENSE NO. PA 19990

[Gov. Code, §11520]

15 **RESPONDENT.**
16

17
18 On or about June 12, 2017, an employee of the Physician Assistant Board (Board), sent by
19 certified mail a copy of the Accusation No. 950-2016-001059, Statement to Respondent, Notice
20 of Defense in blank, Request for Discovery, and Government Code sections 11507.5, 11507.6,
21 and 11507.7 (all referred to as the "Accusation Packet") to Kevin F. Kusch, P.A. (Respondent) at
22 his address of record with the Board, which was and is: 5239 Fm 1649, Gilmer, TX 75645. On
23 or about June 15, 2017, the green certified mail receipt was signed and returned. (Exhibit
24 Package, Exhibit 1: Accusation Package, Declaration of Service, and June 15, 2017 Certified
25 Return Receipt)¹

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27
28 ¹ The evidence in support of this Default Decision and Order is submitted as the "Exhibit
Package."

1 Respondent did not respond to the Accusation. On or about June 30, 2017, an employee of
2 the Attorney General's Office sent by certified mail addressed to Respondent at his address of
3 record, a Courtesy Notice of Default, advising Respondent of the Accusation, and providing
4 Respondent with the opportunity to request relief from default. On or about July 11, 2017, the
5 green certified mail receipt was signed and returned. (Exhibit Package, Exhibit 2: Courtesy
6 Notice of Default, Declaration of Service, and July 11, 2017 Certified Return Receipt) The Board
7 has not received a response to the Accusation Packet mailed by certified mail, and Respondent
8 has not filed a Notice of Defense. As a result, Respondent has waived his right to a hearing on the
9 merits to contest the allegations contained in the Accusation.

10 11 FINDINGS OF FACT

12 I.

13 Maureen L. Forsyth is the Executive Officer of the Board. The charges and allegations in
14 the Accusation were at all times brought and made solely in the official capacity as the Board's
15 Executive Officer.

16 II.

17 On October 6, 2008, the Board issued Physician Assistant License No. 19990 to
18 Respondent. The Physician Assistant License expired on March 31, 2016, and has not been
19 renewed. The license is in delinquent status, having expired on March 31, 2016. (Exhibit
20 Package, Exhibit 3: Certificate of Licensure)

21 III.

22 California Business and Professions Code section 118 states, in pertinent part:

23 "(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a
24 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by
25 order of a court of law, or its surrender without the written consent of the board, shall not, during
26 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
27 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
28

1 provided by law or to enter an order suspending or revoking the license or otherwise taking
2 disciplinary action against the license on any such ground."

3 California Government Code section 11506 states, in pertinent part:

4 "(c) The respondent shall be entitled to a hearing on the merits if the respondent files a
5 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
6 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
7 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

8 Respondent failed to file a Notice of Defense within 15 days after service upon him of the
9 Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 950-
10 2016-001059.

11 California Government Code section 11520 states, in pertinent part:

12 "(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
13 agency may take action based upon the respondent's express admissions or upon other evidence
14 and affidavits may be used as evidence without any notice to respondent."

15 Pursuant to its authority under Government Code section 11520, the Board finds
16 Respondent is in default. The Board will take action without further hearing and, based on
17 Respondent's express admissions by way of default and the evidence before it, contained in
18 exhibits 1, 2 3, and 4, finds that the allegations in Accusation No. 950-2016-001059 are true.

19 IV.

20 The allegations of the Accusation are true as follows:

21 On or about July 10, 2015, the Texas Physician Assistant Board filed a formal complaint at
22 the State Office of Administrative Hearings in Docket No. 503-15-4725 against Respondent's
23 Texas Physician Assistant License No. PA-01209 based on allegations that Respondent was
24 arrested for driving under the influence of alcohol and later convicted of reckless driving;
25 Respondent's self-reported treatment for alcohol abuse; and Respondent's failure to comply with
26 referral to the Texas Physician's Health Program. On or about April 1, 2016, the Texas Physician
27 Assistant Board revoked Respondent's Texas Physician Assistant License No. PA-01209
28 pursuant to an Agreed Order of Voluntary Revocation which resolved the Complaint in Docket

No. 503-15-4725. Respondent signed and agreed to the Agreed Order of Voluntary Revocation.
(Exhibit Package, Exhibit 1: Accusation No. 950-2016-001059, Exhibits A and B.)

V.

The Board finds that pursuant to Business and Professions Code section 125.3, the costs of investigation and enforcement of the case prayed for in the Accusation total \$2,057.50, based on the Certification of Costs (Exhibit Package, Exhibit 4: Certification of Costs)

DETERMINATION OF ISSUES

Pursuant to the foregoing Findings of Fact, Respondent's conduct and the action of the Texas Physician Assistant Board as set forth in the Findings of Fact above, constitute cause for discipline within the meaning of Business and Professions Code sections 2305 and/or 141.

The Board finds that pursuant to Business and Professions Code section 125.3, the costs of investigation and enforcement of the case prayed for in the Accusation total \$2,057.50.

DISCIPLINARY ORDER

Physician Assistant License No. 19990 issued to Respondent Kevin F. Kusch, P.A., is hereby REVOKED. Respondent is ordered to pay \$2,057.50 in costs, payable to the Physician Assistant Board.

Respondent shall not be deprived of making a request for relief from default as set forth in Government Code section 11520(c) for good cause shown. However, such showing must be made in writing by way of a motion to vacate the default decision and directed to the Physician Assistant Board at 2005 Evergreen Street, Suite 1100, Sacramento, CA 95815 within seven (7) days after the service of this Decision.

This Decision shall become effective on November 3, 2017 at 5:00 p.m.

It is so ORDERED on October 6, 2017.

PHYSICIAN ASSISTANT BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By Maureen L. Forsyth
MAUREEN L. FORSYTH
Executive Officer

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 ALICE W. WONG
Deputy Attorney General
4 State Bar No. 160141
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8 **BEFORE THE**
9 **PHYSICIAN ASSISTANT BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 950-2016-001059

13 **KEVIN F. KUSCH, P.A.**

14 **5239 Fm 1649**
15 **Gilmer, TX 75645**
16 **Physician Assistant License No. 19990**

A C C U S A T I O N

Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Maureen L. Forsyth (Complainant) brings this Accusation solely in her official
20 capacity as the Executive Officer of the Physician Assistant Board, Department of Consumer
21 Affairs.

22 2. On or about October 6, 2008, the Physician Assistant Board issued Physician
23 Assistant License Number 19990 to Kevin F. Kusch, P.A. (Respondent). The Physician Assistant
24 License expired on March 31, 2016, and has not been renewed. The license is in delinquent
25 status.

26 ///

27 ///

28 ///

JURISDICTION

3. This Accusation is brought before the Physician Assistant Board (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 3527 of the Code states:

“(a) The board may order the denial of an application for, or the issuance subject to terms and conditions of, or the suspension or revocation of, or the imposition of probationary conditions upon a physician assistant license after a hearing as required in Section 3528 for unprofessional conduct which includes, but is not limited to, a violation of this chapter, a violation of the Medical Practice Act, or a violation of the regulations adopted by the board or the Medical Board of California.

“...”

“(f) The board may order the licensee to pay the costs of monitoring the probationary conditions imposed on the license.

“(g) The expiration, cancellation, forfeiture, or suspension of a physician assistant license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.”

5. Section 2305 of the Code states:

"The revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under this chapter shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state."

1 driving; Respondent's self-reported treatment for alcohol abuse; and Respondent's failure to
2 comply with referral to the Texas Physician's Health Program.

3 A copy of the Complaint in Docket No. 503-15-4725 is attached as Exhibit A.

4 10. On or about April 1, 2016, the Texas Physician Assistant Board revoked
5 Respondent's Texas Physician Assistant License No. PA-01209 pursuant to an Agreed Order of
6 Voluntary Revocation which resolved the Complaint in Docket No. 503-15-4725. Respondent
7 signed and agreed to the Agreed Order of Voluntary Revocation.

8 A copy of the Agreed Order of Voluntary Revocation is attached as Exhibit B.

9 11. Respondent's conduct and the action of the Texas Physician Assistant Board as set
10 forth in paragraphs 9 and 10 above, constitute cause for discipline pursuant to sections 2305
11 and/or 141 of the Code.

12 PRAYER

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Physician Assistant Board issue a decision:


15 1. Revoking or suspending Physician Assistant License Number 19990, issued to Kevin
16 F. Kusch, P.A.;

17 2. Ordering Kevin F. Kusch, P.A. to pay the Physician Assistant Board the reasonable
18 costs of the investigation and enforcement of this case, pursuant to Business and Professions
19 Code section 125.3;

20 3. Ordering Kevin F. Kusch, P.A., if placed on probation, to pay the Board the costs of
21 probation monitoring; and,

22 4. Taking such other and further action as deemed necessary and proper.

23
24 DATED: June 12, 2017


25 MAUREEN L. FORSYTH
26 Executive Officer
27 Physician Assistant Board
28 Department of Consumer Affairs
State of California
Complainant

SF2017203163

EXHIBIT A

Accusation No. 950-2016-001059

HEARING CONDUCTED BY THE
TEXAS STATE OFFICE OF ADMINISTRATIVE HEARINGS
SOAH DOCKET NO. 503-15- 4725 .PA
PHYSICIAN ASSISTANT LICENSE NO. PA-01209

IN THE MATTER OF THE

COMPLAINT AGAINST

KEVIN FRANCIS KUSCH, PA-C

BEFORE THE

TEXAS PHYSICIAN ASSISTANT BOARD

COMPLAINT

TO THE HONORABLE TEXAS PHYSICIAN ASSISTANT BOARD AND THE
HONORABLE ADMINISTRATIVE LAW JUDGE TO BE ASSIGNED:

COMES NOW, the Staff of the Texas Physician Assistant Board (the "Board"), and files this Complaint against Kevin Francis Kusch, PA-C, ("Respondent"), based on Respondent's alleged violations of the Physician Assistants Act ("the Act"), Title 3, Subtitle C, Chapter 204, Texas Occupations Code, and would show the following:

I. INTRODUCTION

The filing of this Complaint and the relief requested are necessary to protect the health and public interest of the citizens of the State of Texas as provided in Section 204.101 of the Act.

II. LEGAL AUTHORITY AND JURISDICTION

1. Respondent is a Texas Physician Assistant and holds Texas Physician Assistant License No. PA-01209, issued by the Board on June 8, 1995, which was in full force and effect at all times material and relevant to this Complaint.
2. Respondent received notice of an Informal Settlement Conference ("ISC"). The Board complied with all procedural rules, including but not limited to, Board Rules 185 and 187, as applicable.
3. No agreement to settle this matter has been reached by the parties.
4. All jurisdictional requirements have been satisfied.

III. FACTUAL ALLEGATIONS

Board Staff has received information and based on that information believes that Respondent has violated the Act. Based on such information and belief, Board Staff alleges:

1. On or about February 4, 2011, the Texarkana, Arkansas, Police arrested Respondent after observing Respondent weaving while driving. The officer noted the smell of alcohol inside the vehicle and Respondent admitted to drinking alcohol. Respondent was asked to perform a field sobriety test, which he failed. He was arrested for suspicion of DWI due to his driving and failure of the field sobriety tests.

2. On May 15, 2012, Miller County Circuit Court documents note that Respondent was found not guilty of DWI but guilty of reckless driving and placed on probation for a term of 90 days and fined \$500.00.

3. On October 30, 2013, Respondent was voluntarily admitted for treatment to Ouachita County Medical Center Chemical Dependency Unit secondary to alcoholism after referral from his employer.

4. On or about August 27, 2014, Respondent was privately by the Board referred to the Texas Physician's Health Program (PHP). Respondent failed to respond and/or comply with PHP and was referred back to the Board.

IV. STATUTORY VIOLATIONS

The actions of Respondent as specified above violate one or more of the following provisions of the Act:

1. Section 204.302(4) of the Act authorizes the Board to take disciplinary action against Respondent based upon Respondent's unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public.

2. Section 204.303(a)(1) of the Act authorizes the Board to take action under Section 204.301 against an applicant or license holder who violates this chapter or a rule adopted under the Act as further defined by Texas Administrative Code, Title 22, Part 9, Section 185, Board Rule(s): 185.17(3), violates the Act, or any rules relating to the practice of a physician assistant; 185.17(6), has a mental or physical condition that renders the person unable to safely perform as

a physician assistant, 185.17(5), habitually uses drugs or intoxicating liquors to the extent that the person cannot safely perform as a physician assistant, and 185.17(9), unprofessional or dishonorable conduct that is likely to deceive, defraud or injure the public; 185.17(10), failure to practice as a physician assistant in an acceptable manner consistent with public health and welfare.

V. AGGRAVATING FACTORS

Under Texas Administrative Code, Title 22, Part 9, Board Rule 190.15(a), in any disciplinary action, the Board may consider aggravating factors that warrant more severe or restrictive action. This case includes the following aggravating factors: increased potential for harm to the public, multiple violations of the Act, and intentional, premeditated, knowing, or grossly negligent act constituting a violation.

VI. APPLICABLE STATUTES, RULES, AND AGENCY POLICY

The following statutes, rules, and agency policy are applicable to the procedures for this matter:

1. Section 204.101 of the Act requires that the Board adopt procedures governing formal disposition of a contested case before the State Office of Administrative Hearings.
2. 22 TEX. ADMIN. CODE, Chapter 187 sets forth the procedures adopted by the Board under the requirement of Section 204.101 of the Act.
3. 22 TEX. ADMIN. CODE, Chapter 190 sets forth aggravating factors that warrant more severe or restrictive action by the board.
4. 1 TEX. ADMIN. CODE, CHAPTER 155 sets forth the rules of procedure adopted by SOAH for contested case proceedings.
5. 1 TEX. ADMIN. CODE, CHAPTER 155.507, requires the issuance of a Proposal for Decision ("PFD") containing Findings of Fact and Conclusions of Law.
6. Section 204.101 of the Act, Board Rule 187.37(d)(2) and Board Rule 190 et. seq., provide the Board with the sole and exclusive authority to determine the charges on the merits, to impose sanctions for violation of the Act or a Board rule, and to issue a Final Order.

VII. NOTICE TO RESPONDENT

IF YOU DO NOT FILE A WRITTEN ANSWER TO THIS COMPLAINT WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN 20 DAYS AFTER THE DATE OF RECEIPT, A DEFAULT ORDER MAY BE ENTERED AGAINST YOU, WHICH MAY INCLUDE THE DENIAL OF LICENSURE OR ANY OR ALL OF THE REQUESTED SANCTIONS, INCLUDING THE REVOCATION OF YOUR LICENSE. A COPY OF ANY ANSWER YOU FILE WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS SHALL ALSO BE PROVIDED TO THE HEARINGS COORDINATOR OF THE TEXAS PHYSICIAN ASSISTANT BOARD.

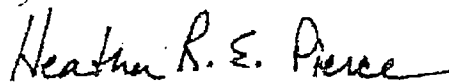
VIII. PRAYER

WHEREFORE, PREMISES CONSIDERED, Board Staff requests that an administrative law judge employed by the State Office of Administrative Hearings conduct a contested case hearing on the merits of the Complaint, and issue a Proposal for Decision containing Findings of Fact and Conclusions of Law necessary to support a determination that Respondent violated the Act as set forth in this Complaint.

Respectfully submitted,

CHRISTOPHER PALAZOLA
Litigation Manager

SUSAN RODRIGUEZ
Lead Attorney



Heather R. E. Pierce, J.D.
Attorney-in-Charge
State Bar No. 24067969
Heather.Pierce@tmb.state.tx.us
Telephone: (512) 305-7069
Fax number: (512) 305-7007
333 Guadalupe, Tower 3, Suite 610
Austin, Texas 78701

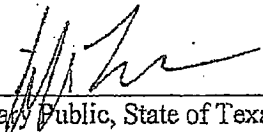
THE STATE OF TEXAS

COUNTY OF TRAVIS

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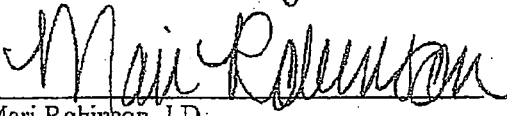
SUBSCRIBED AND SWORN to before me by the said Heather R.E. Pierce, J.D., on
July 10th 2015.





Notary Public, State of Texas

Filed with the Texas Physician Assistant Board on July 8, 2015.


Mari Robinson, J.D.
Executive Director, Texas Physician Assistant Board

CERTIFICATE OF SERVICE

On this 10th day of July 2015, I certify that a true and correct copy of this Complaint has been served on the following individuals at the locations and the manner indicated below.

BY CERTIFIED MAIL # 7008 2810 0000 1406 0834 RETURN RECEIPT
REQUESTED AND FIRST CLASS MAIL

Kevin Francis Kusch, P.A.
5239 F.M. 1649
Gilmer, Texas 75645

BY FAX TRANSMISSION TO: (512) 482-0164 AND FIRST CLASS MAIL

Leichter Law Firm, P.C.
Attention: Robert "Bob" Simpson
1602 E 7th Street
Austin, Texas 78702

BY EMAIL TO: DOCKETING@SOAH.STATE.TX.US

Docket Clerk
State Office of Administrative Hearings
300 West 15th #504
Austin, Texas 78701

BY HAND DELIVERY:

Robin Etheridge
Hearings Coordinator
Texas Medical Board
333 Guadalupe, Tower 3, Suite 610
Austin, Texas 78701

Heather R. E. Pierce

Heather R. E. Pierce, J.D.

STATE OF TEXAS
COUNTY OF TRAVIS

Christine Rodger
I, Christine Rodger, certify that I am an official
assistant custodian of records for the Texas Medical Board
and that this is a true and correct copy of the original, as it
appears on file in this office.

Witness my official hand and seal of the Board

this 10th day of November, 2014
Christine Rodger
Assistant Custodian of Records

EXHIBIT B

Accusation No. 950-2016-001059

IN THE MATTER OF	LICENSE NO. PA-01209	BEFORE THE
THE LICENSE OF		TEXAS PHYSICIAN ASSISTANT
KEVIN FRANCIS KUSCH, P.A.		BOARD

AGREED ORDER OF VOLUNTARY REVOCATION

On the 1 day of April, 2016, came on to be heard before the Texas Physician Assistant Board (Board), duly in session, the matter of the license of Kevin Francis Kusch, P.A. (Respondent).

On July 31, 2014, Respondent appeared with counsel, Robert "Bob" Simpson at an Informal Show Compliance Proceeding and Settlement Conference (ISC) in response to a letter of invitation from the staff of the Board. The Board's representatives were Jason Cooper, MPAS, EMT-P, P.A. and Blayne Rush, members of the Board. Heather R. E. Pierce represented Board staff.

~~The matter did not resolve, and a formal complaint was filed at the State Office of Administrative Hearings (SOAH), SOAH Docket 503-15-4725. Prior to proceeding to a contested hearing, the parties negotiated a settlement through this Agreed Order. Heather R. E. Pierce represented Board staff and Robert "Bob" Simpson represented Respondent.~~

FINDINGS

The Board finds that:

1. Respondent received all notice required by law. All jurisdictional requirements have been satisfied. Respondent waives any defect in notice and any further right to notice or hearing under the Physician Assistant Act, Title 3, Subtitle C, Chapter 204, Texas Occupations Code (the Act) or the Rules of the Board.
2. Respondent currently holds Texas Physician Assistant License No. PA-01209. Respondent was originally issued this license to practice in Texas on June 8, 1995. Respondent is not licensed to practice in any other state.
3. Respondent is 66 years of age.

4. On or about February 4, 2011, Respondent had a Driving While Intoxicated (DWI) charge in Miller Count, Arkansas. Respondent was found not guilty of the DWI offense but was found guilty of reckless driving and sentenced to 90 days probation and a \$500 court cost.

5. Subsequent, to the initial DWI charge, Respondent self-reported treatment for alcohol abuse to the Board. Respondent completed treatment and provided to the Board 55 random alcohol drug tests all of which were negative for alcohol.

6. Respondent agrees to the revocation of his Texas Physician Assistant license and requests that the voluntary revocation be accepted by the Board and effective as of the date of entry. This agreement settles all issues in the matter pending at the State Office of Administrative Hearings in Docket No 503-15-4725.

7. Respondent has cooperated in the investigation of the allegations related to this Agreed Order. Respondent's cooperation, through consent to this Agreed Order, pursuant to the provisions of Section 164.002 the Act, will save money and resources for the State of Texas. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Agreed Order and to comply with its terms and conditions.

CONCLUSIONS OF LAW

Based on the above Findings, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.
2. Section 204.304(a)(1) of the Act authorizes the Board to take disciplinary action, as further defined in 22 Tex. Admin. Code, Section 185.17(6), has a mental or physical condition that renders the person unable to safely perform as a physician assistant.
3. Section 204.301 of the Act and 22 TEX. ADMIN. CODE 185.18 authorizes the Board to accept the voluntary revocation of Respondent's Texas Physician Assistant license.

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that:

1. Respondent's Texas Physician Assistant License No. PA-01209 is revoked, effective on the date this Order is signed by the Presiding Officer of the Board.

2. Respondent shall immediately cease practice in Texas. Respondent's practice after the date of entry of this Agreed Order shall constitute a violation of this Order, subjecting Respondent to disciplinary action by the Board or prosecution for practicing without a license in Texas.

3. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice. Respondent may petition the Board for reissuance of his Texas Physician Assistant License after one year's time from the effective date of this Agreed Order. Respondent may apply for reissuance of his Texas Physician Assistant License pursuant to applicable Board Rules and Statutes, including but not limited to Sections 204.151 and 204.152, and Board Rule 185.9. The Board may inquire into the request for reissuance and, may in its sole discretion, grant or deny the petition without further appeal to or review by the Board. Petitions for reissuance may be filed only once a year thereafter. Respondent does not waive and specifically reserves his right to appeal any final decision of the Board regarding re-licensure to the State Office of Administrative Hearings.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

[SIGNATURE PAGES FOLLOW]

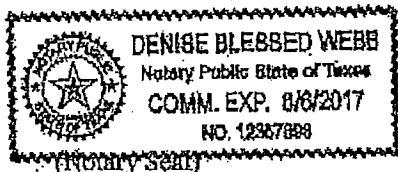
I, KEVIN FRANCIS KUSCH, P.A., HAVE READ AND UNDERSTAND THIS AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: March 31, 2016.

Kevin F. Kusch, P.A.
KEVIN FRANCIS KUSCH, P.A.
Respondent

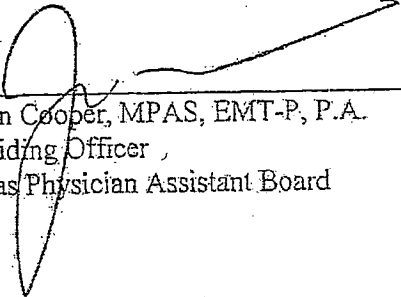
STATE OF Texas
COUNTY OF Gregg

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public,
on this 31 day of March, 2016.



Denise Blessed Webb
Signature of Notary Public

SIGNED AND ENTERED by the presiding officer of the Texas Physician Assistant Board on this 1 day of April, 2016.



Jason Cooper, MPAS, EMT-P, P.A.
Presiding Officer,
Texas Physician Assistant Board

STATE OF TEXAS
COUNTY OF TRAVIS

I, Christine Rodriguez, certify that I am an official assistant custodian of records for the Texas Medical Board and that this is a true and correct Copy of the original, as it appears on the file in this office.

Witness my official hand and seal of the BOARD.

This 11th Day of November, 20 16
Christine Rodriguez

Assistant Custodian of Records